

Theresa Claassen,
Secretary-Treasurer

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of the State of California
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7
8 BEFORE THE
DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10 In the Matter of the Accusation) No. D-3601
11 Against:)
12)
RUSSELL B. STEELE, M.D.) STIPULATION
2415 W. Vine Street, #106)
13 Lodi, California 95240)
14)
Physician's and Surgeon's)
Certificate No. G-014669)
15)
Respondent.)
16

17 Respondent Russell B. Steele, M.D., through his counsel
18 Eugene G. Walton, Esq., and the Board of Medical Quality
19 Assurance, Division of Medical Quality, through its counsel
20 Deputy Attorney General Jana L. Tuton, do hereby enter into the
21 following stipulation:

22 1. Respondent Russell B. Steele, M.D. hereby
23 acknowledges receipt of Accusation No. D-3601, Statement to
24 Respondent, and copies of the Notice of Defense form.

25 2. Respondent has retained Eugene G. Walton to be his
26 attorney in Case No. D-3601 and has counseled with Mr. Walton

1 concerning the charges and allegations contained in Accusation
2 No. D-3601 and the effect of this stipulation.

3 3. Respondent is fully aware of his right to a hearing
4 on the charges and allegations contained in Accusation No. D-
5 3601, his right to reconsideration, appeal, and any and all
6 rights which may be accorded pursuant to the California
7 Administrative Procedure Act and the laws of the State of
8 California.

9 4. Respondent hereby freely and voluntarily waives his
10 right to a hearing, reconsideration, appeal and any and all
11 other rights which may be accorded by the California
12 Administrative Procedure Act and the laws of the State of
13 California with regard to Accusation No. D-3601.

14 5. Respondent stipulates that he is subject to
15 disciplinary action as alleged in paragraphs 7 and 8 of
16 Accusation No. D-3601 which is attached as Exhibit A and
17 incorporated by reference herein.

18 6. Since September 1987, respondent has successfully
19 completed 179 credit hours of continuing medical education in
20 family practice and internal medicine, including 50 hours in
21 "Intensive Review of Internal Medicine" at Harvard Medical
22 School and 50 hours in "Family Medicine Review" at the
23 University of Kentucky School of Medicine. Documentation of
24 these courses is attached hereto as Exhibit B.

25 7. Based on the foregoing stipulations, the Division of
26 Medical Quality, Board of Medical Quality Assurance, may issue
27 the following order:

1 A. The license to practice medicine and surgery in the
2 State of California heretofore issued to respondent is hereby
3 revoked; provided, however, that execution of this order of
4 revocation is stayed and respondent is placed on probation for
5 five (5) years upon the following terms and conditions:

6 1. Within 30 days of the effective date of this
7 decision, respondent shall take and pass an oral clinical
8 examination in family practice to be administered by the
9 Division or its designee. If respondent fails this examination,
10 respondent must take and pass a re-examination consisting of a
11 written as well as an oral clinical examination. The waiting
12 period between repeat examinations shall be at three month
13 intervals until success is achieved. The Division shall pay the
14 cost of the first examination and respondent shall pay the cost
15 of any subsequent re-examinations. Respondent shall not
16 practice medicine until respondent has passed the required
17 examination and has been so notified by the Division in writing.

18 2. Within 90 days of the effective date of this
19 decision, and on an annual basis thereafter, respondent shall
20 submit to the Division for its prior approval an educational
21 program or course related to family practice, which shall not be
22 less than 60 hours the first year of probation and 40 hours for
23 each year thereafter. The 60 hour program during the first year
24 shall include at least two programs of four days' duration or
25 longer. The Division may, in its sole discretion, include any
26 or all of the courses documented in Exhibit B. This program
27 shall be in addition to the Continuing Medical Education

1 requirements for re-licensure. Following the completion of each
2 course, the Division or its designee may administer an
3 examination to test respondent's knowledge of the course.
4 Respondent shall provide proof of attendance for all medical
5 education courses.

6 3. Within 30 days of the effective date of this
7 decision, respondent shall submit to the Division for its prior
8 approval a plan of practice in which respondent's practice shall
9 be monitored by another physician in respondent's field of
10 practice, who shall provide periodic reports to the Division.

11 If the monitor quits, or no longer is available,
12 respondent shall not practice until a new monitor has been
13 substituted, through nomination by respondent and approval by
14 the Division.

15 4. Respondent shall not practice obstetrics.

16 5. Respondent shall obey all federal, state and local
17 laws, and all rules governing the practice of medicine in
18 California.

19 6. Respondent shall submit quarterly declarations under
20 penalty of perjury on forms provided by the Division, stating
21 whether there has been compliance with all the conditions of
22 probation.

23 7. Respondent shall comply with the Division's
24 probation surveillance program.

25 8. Respondent shall appear in person for interviews
26 with the Division's medical consultant upon request at various
27 intervals and with reasonable notice.

1 9. The period of probation shall not run during the
2 time respondent is residing or practicing outside the
3 jurisdiction of California. If, during probation, respondent
4 moves out of California to reside or practice elsewhere,
5 respondent is required to immediately notify the Division in
6 writing of the date of departure, and the date of return, if
7 any.

8 10. Upon successful completion of probation,
9 respondent's certificate will be fully restored. Respondent may
10 petition the Board for modification of probation after a period
11 of not less than one year has elapsed from the effective date of
12 this decision.

13 11. If respondent violates probation in any respect, the
14 Division after giving respondent notice and the opportunity to
15 be heard, may revoke probation and impose the revocation that
16 was stayed. If an accusation or petition to revoke probation is
17 filed against respondent during probation, the Division shall
18 have continuing jurisdiction until the matter is final, and the
19 period of probation shall be extended until the matter is final.

20 It is agreed that the terms set forth herein shall be
21 null and void and not binding upon the parties hereto unless
22 approved by the Board of Medical Quality Assurance of the State
23 of California.

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DATED:


1-26-88

JOHN K. VAN DE KAMP, Attorney General
of the State of California


JANA L. TUTON
Deputy Attorney General

Attorneys for Complainant

DATED:


EUGENE G. WALTON, ESQ.
Attorney for Respondent

DATED:


RUSSELL B. STEELE, M.D.

Respondent

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DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation) No.D-3601
Against:)
12)
RUSSELL B. STEELE, M.D.) ACCUSATION
13 2415 W. Vine St., #106)
Lodi, California 95240)
14)
License No. G-014669)
15)
Respondent.)
16 _____)

17 Kenneth Wagstaff, the complainant herein, alleges as
18 follows:

- 19 1. He is the Executive Director of the Board of
20 Medical Quality Assurance of the State of California and makes
21 and files this accusation in his official capacity and not
22 otherwise.
- 23 2. On or about May 13, 1968, respondent Russell B.
24 Steele, M.D. (hereinafter "respondent"), was issued physician's
25 and surgeon's certificate number G-014669 under the laws of the
26 State of California. Said certificate is presently in full
27 force and effect.

1 3. Section 2234 of the Business and Professions Code
2 provides that the Division of Medical Quality of the Board of
3 Medical Quality Assurance shall take action against a holder of
4 a physician's and surgeon's certificate who is guilty of
5 unprofessional conduct.

6 4. Section 2234, subdivision (b), of the Code
7 provides that gross negligence constitutes unprofessional
8 conduct.

9 5. Section 2234, subdivision (d), of the Code
10 provides that incompetence constitutes unprofessional conduct.

11 6. Section 2293, subdivision (c), of the Code
12 provides that failure of two professional competency
13 examinations shall be grounds for the Division to file an
14 accusation charging the examinee with incompetency under section
15 2234, subdivision (d), of the Code.

16 7. Respondent is subject to disciplinary action
17 pursuant to section 2234 of the Code in that he is guilty of
18 unprofessional conduct in violation of section 2234,
19 subdivisions (b) and (d) as more particularly alleged
20 hereinafter:

21 A. On August 18, 1983, respondent commenced
22 obstetrical care of Shane H. During the course of his prenatal
23 care and treatment of Shane H., respondent made no evaluation of
24 size-discrepancy in early pregnancy; no fundal measurements
25 after approximately 20 weeks; no evaluation of the patient's
26 excessive weight gain; and no pelvic examination after February
27 10, 1984. Respondent failed to inform Shane H. of the risks of

1 post-dates pregnancies and failed to formulate an appropriate
2 course of care at Shane H.'s last office visit on March 15,
3 1984, when she was 11 days post-dates.

4 B. At 7:00 p.m. on March 17, 1984, Shane H. was
5 admitted to the labor area of the hospital. Respondent was
6 notified at a restaurant at 7:25, but refused to come despite
7 difficulty in monitoring the fetal heartbeat, and an elevated
8 maternal temperature and white blood count. Respondent was
9 contacted again, but did not arrive at the hospital until on or
10 about 8:55. No sonogram was done. No internal monitoring of
11 the fetal heartbeat was done. Despite failure of labor to
12 progress for several hours, no consultation was requested. At
13 12:50 a.m., respondent returned to the hospital and recommended
14 a Cesarean section. A still-born infant was delivered by
15 Cesarean section.

16 8. Respondent is subject to disciplinary action
17 pursuant to section 2234, subdivision (a), of the Code as more
18 particularly alleged hereinafter:

19 A. On June 4, 1986, respondent took a professional
20 competency examination pursuant to section 2293. Respondent
21 failed the examination.

22 B. On August 28, 1986, respondent took a professional
23 competency examination pursuant to section 2293. Respondent
24 failed the examination.


25 WHEREFORE, complainant prays that the Division of
26 Medical Quality hold a hearing on the matters alleged herein and
27 following the hearing issue a decision:

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1. Suspending or revoking the license issued to
Russell B. Steele, M.D.; and

2. Taking such other and further action as is deemed
proper.

DATED: January 13, 1987


KENNETH WAGSTAFF
Executive Director
Board of Medical Quality Assurance
Department of Consumer Affairs
State of California

Complainant